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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/565,622	05/22/2006	Engbert Hermanus Pakkert	207.435	2439
<div>7590 Abelman Frayne &amp; Schwab 666 Third Avenue New York, NY 10017-5612</div>				
<div>01/23/2009</div>				
<div>EXAMINER</div>				
<div>BAINBRIDGE, ANDREW PHILIP</div>				
<div>ART UNIT</div>		<div>PAPER NUMBER</div>		
<div>3754</div>				
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<div>01/23/2009</div>		<div>PAPER</div>		

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

# Office Action Summary

**Application No.**

10/565,622

**Applicant(s)**

PAKKERT ET AL.

**Examiner**

ANDREW BAINBRIDGE

**Art Unit**

3754

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-18 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-18 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SF 298)  
Paper No(s)/Mail Date \_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_

**DETAILED ACTION**

***Claim Rejections - 35 USC § 102***

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. **Claims 1, 8 and 14 are rejected under 35 U.S.C. 102(b)** as being anticipated by US 5,246,140 (Thix et al.).
3. Thix in figures 1-9 discloses an assembly for a carbonated drink dispenser 1 with a chamber 1 for accommodating a container filled with carbonated drink (col. 1 lines 1-20), with a lid 3, 16 for closing the chamber 1 with a dispensing head 15 for opening and closing 21 the dispensing line 20, the container 1 with a drink dispensing opening 19 that connects to the dispensing line 20 that connects to the dispensing head 14, the container 1 including a pressure medium feed 6 to a pressure containing reservoir 202 that is connected to a pressure line 22, the lid 3, 16 has a pressure line 22 that connects the pressure medium reservoir 220 to the container 6 with a fluid tight engagement 23-24 when the lid 16 is closed by the use of the detent 11 (col. 4, lines 55-68).

***Claim Rejections - 35 USC § 103***

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

6. **Claims 2-4, 6-7, 9 and 15-17 are rejected under 35 U.S.C. 103(a)** as being unpatentable over Thix in view of US 4,402,429 (Vanden Driessche).

7. Thix has all of the elements of claims 2-4, 6-7, 9 and 15-17 except for a pressure regulator that reduces the pressure from the pressure medium feed line, the pressure medium being CO<sub>2</sub> (carbon dioxide) that is contained in a replaceable cartridge. Driessche in figures 1-5 teaches a replaceable carbon dioxide cartridge 6 that has its pressure's contents reduced by a valve 7 and tensioned spring 17 that serves as a pressure regulator between the cartridge 6 and the pressurized container 2. It would be obvious to one of ordinary skill in the art to adapt Driessche to Thix to create the devices of the above claims because Driessche teaches a way to replace the pressure cartridge in an easy and well understood way that can only increase the ease of use and maintenance of the carbonated drink dispenser.

8. **Claims 5 and 10 are rejected under 35 U.S.C. 103(a)** as being unpatentable over Thix as applied in claim 1 in view of US 4,702,396 (Gwiazda).

9. Thix as applied in claim 1 has all of the elements of claims 5 and 10 except for an expansion chamber located between the pressure reservoir and the pressure medium

feed connector. Gwiazda in figures 1-2 teaches a carbon dioxide gas cartridge 3' that connects to a valve 21 that leads to a gas expansion chamber with a spring 37 that serves as both a pressure regulator and an expansion chamber before the gas reaches the container through valve 16 and line 11'. It would be obvious to one of ordinary skill in the art to adapt Gwiazda to Thix because Gwiazda teaches a reliable and well understood way to control the ultimate pressure of the fluid in the container, which is important when dispensing carbonated beverages.

10. **Claims 11-13 and 18 are rejected under 35 U.S.C. 103(a)** as being unpatentable over Thix in view of Driessche as applied in claims 2, 3, 4 and 5 respectively and further in view of Gwiazda.

11. Thix in view of Driessche as applied in claims 2, 3, 4 and 5 respectively have all of the elements of claims 11-13 and 18 except for an expansion chamber that is located between the pressure reservoir source and the pressure medium connector to assist reducing the pressure of the delivered medium. Gwiazda as elaborated above teaches an expansion chamber 22 with a tensioned spring 37 and a bladder 32 that serves as both an expansion chamber and a pressure drop regulator. It would be obvious to one of ordinary skill in the art to adapt Gwiazda to the Thix-Driessche combination because Gwiazda teaches a well known and reliable way to reduce pressure in a closed system.

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to ANDREW BAINBRIDGE whose telephone number is

(571)270-3767. The examiner can normally be reached on Monday through Friday, 9 AM to 6 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kevin Shaver can be reached on (571)272-4720. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/A. B./  
Examiner, Art Unit

/Kevin P. Shaver/  
Supervisory Patent Examiner, Art  
Unit 3754